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| STATE OF NORTH CAROLINA _____ COUNTY | Form IDS-010 (Rev. 05/16) |
| | ► File No(s). |

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| <i>Name Of Defendant</i> | NOTIFICATION OF NON-CAPITAL DECLARATION AND STATUS OF COUNSEL IN CASES WITH TWO APPOINTED ATTORNEYS |
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Instructions: If two attorneys have been appointed to a potentially capital case at the trial level that is subsequently declared non-capital, the attorneys must complete Part I. of this form and submit it to the Office of the Capital Defender within 10 business days of the non-capital declaration. **The form may be submitted by facsimile to (919) 354-7221 or by email to CapitalForms@nccourts.org. Counsel must also complete Part II. of this form to indicate which attorney plans to move to withdraw or to request that both appointed attorneys remain on the case if counsel believes exceptional circumstances exist.** If both counsel are asking to remain on the case, the Capital Defender will then complete Part III. to direct one of the appointed attorneys to file a motion to withdraw or to find exceptional circumstances that warrant both attorneys remaining on the case. The Capital Defender will then mail a copy of the form to the attorneys and maintain the original form in a confidential file. If the Capital Defender denies a request to have both attorneys remain on a case after a non-capital declaration, the attorneys may apply to a court for permission to do so **only if the application is in accordance with IDS Rule 2A.5(c)**, available at www.ncids.org.

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| | I. NOTIFICATION OF NON-CAPITAL DECLARATION | |
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| <i>Name Of Attorney Completing This Form</i> | <i>Name Of Co-Counsel</i> | <i>Date Form Completed</i> |
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| <i>Date Of Non-Capital Declaration</i> | <i>Method Of Non-Capital Declaration</i> (check one) <input type="checkbox"/> The Court has ruled that the case will not proceed capitally as defined by law <input type="checkbox"/> The prosecuting attorney has declared in open court that he or she will not proceed capitally as defined by law |
| <i>Trial Date</i> (if set) | |

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| | II. INDICATION OF ATTORNEY TO WITHDRAW OR REQUEST FOR BOTH ATTORNEYS TO REMAIN ON CASE | |
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| <i>Name Of Attorney Who Intends to Withdraw</i> (if both attorneys want to remain on case, indicate N/A and provide summary of reasons below) |
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| <i>Summary Of Reasons Why Counsel Believes Both Appointed Attorneys Should Remain On Case</i> (e.g., nature of case, complexity of issues, how work has been divided, and time remaining before trial) |
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III. CAPITAL DEFENDER DECISION
(complete only if both counsel are asking to remain on case)

After consultation with both attorneys previously appointed in this case, the Capital Defender finds the following:

- Exceptional circumstances that would support allowing both counsel to remain on this case after a non-capital declaration do not exist for the following reasons:

The following attorney is directed to file a motion to withdraw and to notify the Capital Defender of the court's ruling on that motion:

- Exceptional circumstances that would support allowing both counsel to remain on this case after a non-capital declaration do exist for the following reasons, and both attorneys shall remain as counsel of record:

Specify any conditions or limitations on both attorneys' continued representation:

Date

Capital Defender
Robert E. Sharpe, Jr.

Signature